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Attorneys for Defendant

United Parcel Service, Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD LEBLANC,

Plaintiff,

v.

UNITED PARCEL SERVICE,

Defendant.

: Docket No. 1:11-cv-06983-KPF

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**NOTICE OF MOTION FOR
SUMMARY JUDGMENT PURSUANT
TO FED. R. CIV. P. 56**

(Document Electronically Filed)

To: Walker G. Harman, Jr., Esq.
The Harman Firm, PC
200 West 57th Street, Ste. 900
New York, New York 10019

COUNSEL:

PLEASE TAKE NOTICE that the undersigned, attorneys for defendant United Parcel Service, Inc. ("UPS"), hereby moves before the Honorable Katherine Polk Failla, U.S.D.J. of the United States District Court for the Southern District of New York, for the entry of an Order dismissing the Amended Complaint in its entirety, with prejudice, pursuant to Fed. R. Civ. P. 56; and

PLEASE TAKE FURTHER NOTICE that, in support of the within motion for summary judgment, UPS shall rely upon the Brief in Support of UPS's Motion for Summary Judgment, the Declaration of Christine Rowan, UPS's Statement of Material Facts Not in Dispute Pursuant to *L. Civ. R. 56.1*, and the Affirmation of Heather Weine Brochin, Esq. submitted herewith; and

PLEASE TAKE FURTHER NOTICE that this motion is timely filed in accordance with the Court's August 23, 2013 Order; and

PLEASE TAKE FURTHER NOTICE that UPS hereby requests that the proposed form of Order submitted herewith be entered by the Court.

DAY PITNEY LLP
Attorneys for Defendant
United Parcel Service, Inc.,

By: /s/ Heather Weine Brochin
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Dated: September 13, 2013.